

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 3 RD DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam		Date: January 26, 2005
Court Clerk: B. Graves/W. Anderson		Department: 53 Time: 9:08 a.m.
Reporter/Tape: K. Garcia/D. Dedmon		
Bailiff: H. Franco/ G. Ozburn/P Bellefeuille		

Plaintiff: The People of the State of California	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian - Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones - Chief Deputy Public Defender	<input type="checkbox"/> Pro Per
		Rafael Torres - Deputy Public Defender	<input checked="" type="checkbox"/> Appearing
			<input type="checkbox"/> Pro Per

The above entitled matter comes on regularly for a Jury Selection before the Honorable R. L. Putnam at 9:08 a.m. The People, represent by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

The Court states for the record, a short hearing was held on January 25, 2005 in the back hallway of the Fresno County Plaza Ballroom in which jury selection was trailed until this date.

The Court inquires from Lisa Gamoian, Chief Deputy District Attorney, if witness Rosemary Solorio has been located or if the body attachment ordered on January 24, 2005 should now be issued. Ms. Gamoian states she has been unable to locate Rosemary Solorio and request the body attachment now issue. Court orders body attachment to issue. The Court also inquires from Ms. Gamoian if the victims were notified that their names would be published in the 2nd Amended Information. Ms. Gamoian stated that the victims have been duly notified.

The Court requests respective counsel to go over the hardship questionnaires together and compile a list of prospective jurors that the parties can stipulate to release for hardship. Respective counsel agree to discuss the hardship releases.

The Court notifies counsel that prospective juror H19 was placed on the hardship list in error. Court orders H19 be removed from the hardship list.

The Court stands in recess at 9:13 a.m.

Off the record, and outside the presence of Court and counsel the following Court exhibits were marked for identification:

Court exhibit 5(Final Juror Questionnaire Information) marked for identification.

Court exhibit 6(fFinal Undue Hardship Questionnaire) markd for identification.

Court exhibit 7(Final General Juror Questionnaire) marked for identification.

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The Court and respective counsel review in open Court the prospective jurors that the parties stipulate to release for hardship without any further questioning, beginning at 10:47 .m. The Court releases the following prospective jurors for hardship: H2, H3, H4, H7, H9, H11, H12, H13, H14, H17, H20, H21, H23, H24, H25, H26, H27, H28, H29, H30, H31, H32, H33, H35, H36, H37, H38, H40, H43, H45, H46, H47, H49, H50, H53, H55, H56, H57, H58, H59, H62, H63, H64 , H65, H66, H67, H68, H69, H70, H71, H73, H74, H75, H76, H79, H80, H82, H83, H84, H85, H86, H87, H90, H92, H93, H96, H97, H98, H99, H100, H101, H102, H103, H104, H105, H106, H107, H108, H110, H111, H113, H114, H115, H116, H117, H118, H119, H120, H121, H123, H124, H126, H128, H130, H131, H132, H134, H137, H138, H139, H140, H141, H142, H143, H145, H146, H148, H149, H150, H152, H153, 155, H156, H157, H158, H161, H163, H164, H166, H167, H168, H169, H170, H173, H174, 175, H176, H177, H178, H179, H180, H181, H182, H184, H185, H186, H187, H190, H191, H192, H193, H194, H195, H197, H201, H202, H204, H205, H206, H209, H210, H211, H212, H213, H214, H218, H220, H221, H222, H223, H224, H225, H226, H227, H228, H229, H230, H231, H233, H235, H236, H237, H238, H239, H240.

The Court directs the Judicial Assistant, Barbara Graves, to advise the Jury Commissioner of the people that may be release for hardship, it is so done.

The Court advises respective counsel that Transcript Certification will be done on Mondays for the previous week. All hearings up and including this day will be certified on January 31, 2005.

The Court orders that the Pool Jurors Alpha List be sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

- (1) That the overriding interest that overcome the right of public access to the records being sealed;
- (2) These interests support sealing the records;
- (3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The sealing is narrowly tailored;
- (5) No less restrictive means exist to achieve the overriding interest.

The designated record will remain sealed until further order of the Court.

The Court stands in recess at 11:19 a.m.

The Court reconvenes at 1:31 p.m.

The Court and respective counsel agree that the following prospective jurors hardship request are denied without further questioning. The following prospective jurors were returned to the Jury Commissioner to fill out the General Questionnaire: H42, H52, H125, H135, H172, H199, H234.

The Court orders the jurors be referred to by number only.

The prospective jurors that Court and prospective counsel agree to question further on their request for hardship begin to enter the courtroom at 1:45 p.m. with the following prospective jurors released for hardhsip: H1, H6, H8, H15.

The following prospective jurors were returned to the Jury Commissioner to fill out General Questionnaires: H5, H10, H34.

The Court stands in recess at 2:15 p.m.

Court reporter Denise Dedmon replaces Court Reporter Kristi Garcia at 2:31 p.m.

The prospective jurors that the Court and respective counsel agree to question further on their request for hardship begin to enter the courtroom individually at 2:31 p.m. with the following prospective jurors released for hardship: H39, H41, H44, H48, H51, H54, H243, H60, H61, H72, H77, H78, H88, H89, H91, H95, H127, H136, H147, H151, H154, H162, H165, H171, H200, H207, H208, H215, H216, H217, H243.

The following prospective jurors were returned to the Jury Commissioner to fill out the General Questionnaire: H18, H22, H242, H81, H94, H109, H112, H122, H129, H133, H144, 159, H160, H188, H189, H196, H203, H219, H232, H241, H242.

Court recess at 3:35 p.m. until 3:45 p.m..

The following prospective jurors were ordered to appear on January 31, 2005 at 9:00 a.m. for further questioning: H183, H198.

The Court adjourns at 5:11 p.m. until January 31, 2005 at 9:00 a.m. for Status Conference, Certification of Transcripts.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

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